



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
August 16, 2004**

**PRESENT: LAURA PETRAIN, CHAIRMAN; THOMAS REYNOLDS JR., SELECTMAN;
DOUGLAS R. COOK, SELECTMAN; HELEEN KURK, SELECTMAN.**

**ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: KELLY BUMPUS**

**GUESTS: Forrest Esenwine, Ginger Esenwine, Scott Dinsmore, Frank Campana, Diane Lamb,
Ruth Jones, Dino Rossi, Bob Richards, Loren Martin.**

1. NONPUBLIC SESSION @ 6:00 P.M. RSA 91-A:3 II (e)

Chairman Petrain moved the board of selectmen, Selectman Reynolds seconded to enter into nonpublic session at 6:00 p.m. pursuant to the authority granted in RSA 91-A:3 II (e). A roll call vote was taken. Selectman Cook, yes; Selectman Reynolds, yes; Selectman Kurk, yes; Chairman Petrain, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to exit nonpublic session at 7:15pm. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to seal and restrict the minutes of nonpublic session pursuant to the authority granted in RSA 91-A:3 II. Passed 4-0-0.

7:15 p.m. Chairman Laura Petrain called the meeting to order.

2. PUBLIC HEARING

Chairman Petrain opened the Public Hearing for the purpose of a proposed no through trucking ordinance on Duck Pond Rd. Chairman Petrain asked for public comment. Resident, Ruth Jones voiced her opinions on no through trucking on Duck Pond Rd stating that she did not want to restrict small delivery trucks. Mr. Forrest Esenwine stated that he did not know why Duck Pond Rd. would be used as a short cut and stated that he did not think delivery trucks could be restricted and that he did not think that large trucks would want to use Duck Pond Rd. Mr. Dino Rossi stated that he believed the road should be restricted. Mr. Carl Knapp said he did not have a problem with no through traffic and that it was addressed in the past and failed. The Board discussed this issue of restricting trucking on this road.

Chairman Petrain closed the Public Hearing at 7:30p.m. and moved, Selectman Kurk seconded to post Duck Pond Rd. as no through trucking. Passed 4-0-0.

3. PUBLIC PARTICIPATION

Chairman Petrain asked for any public comment. There was none.

4. MANIFESTS

Chairman Petrain moved, Selectman Kurk seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 19, 2004 in the amount of: \$23,100.46 for accounts payable and \$26,063.18 for gross payroll at a total of \$49,163.64. Passed 4-0-0.

Chairman Petrain moved, Selectman Kurk seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated August 23, 2004 in the estimated amount of: \$250,000.00 for accounts payable and an estimated amount of \$30,000.00 for gross payroll at an estimated total of \$280,000.00. Passed 4-0-0.

5. FEMA GRANT DISCUSSION

Chairman Petrain stated that Mr. Carl Knapp has given the Board his information and basically Mr. Christensen has given the Board information from DRA. Chairman Petrain stated that this was an issue where the Town had received an overpayment of FEMA funds in 1998 and those funds along with other monies received were deposited in the General Fund. The town found out this year it had received another grant from FEMA which had been applied for by the Public Works Dept. Mr. Knapp had requested the money from this grant be deposited in the Public Works Dept. budget. The discussion that came up to the Board was that some members felt that it should be used to pay back what we owe FEMA in the tune of about \$34,000.00. The Board received a memorandum from Mr. Christensen whereas, the question was, whether or not this grant could be used against the money that was paid to FEMA. Mr. Christensen spoke to Bob Anderson from DRA who had consulted with Barbara Anderson on the matter and Mr. Anderson stated that the bottom line is that the town wants the Auditor's to answer how the town wants to use the funds. Mr. Anderson also stated that if the town places the funds in the DPW budget it would need to be added to the 2005 Budget for the Warrant Article and not into the 2004 Budget. Chairman Petrain said she was under the impression that the town could have a Public Hearing applying the unanticipated revenues to the 2004 Budget. Mr. Christensen stated that the next opportunity the town would have would be in 2005, because 2003 is gone this would be the first time the town could apply it and put it before the voters. Mr. Christensen stated that the \$27,000.00 grant money would be put into the Public Works Department and to do that it would have to be done on a Warrant Article basically showing a zero tax impact and would have to be done in 2005. Selectman Cook suggested that DRA be asked what the process is in which the town spends unanticipated revenues to clarify it. The Board agreed.

6. MELVIN CHASE TAX ABATEMENT DISCUSSION

The Board discussed the issue of tax abatement for Mr. Melvin Chase.

Chairman Petrain moved, Selectman Kurk seconded to abate \$1,499.48 to Melvin Chase for Lot 13-32 from the overlay account. Passed 4-0-0.

7. MEETING MINUTES

The Board discussed the meeting minutes of July 6, 2004 and needed changes.

Chairman Petrain moved, Selectman Kurk seconded to accept the meeting minutes of July 6, 2004 as amended. Passed 4-0-0.

The Board discussed the meeting minutes of July 19, 2004. The Board agreed to have the minutes re-done and then reviewed for approval.

The Board discussed the meeting minutes of August 2, 2004 and needed changes.

Chairman Petrain moved, Selectman Kurk seconded to accept the meeting minutes of August 2, 2004 as amended. Passed 3-0-1. Abstention – Selectman Reynolds.

8. PUBLIC HEARING – 8:00 pm

Chairman Petrain opened the Public Hearing for the purpose of hearing public testimony, comment on the donation of equipment to the Town of a 1992 Pontiac Grand Prix automobile with an approximate value of \$2400.00 for the purpose of extrication by William Dunbar and donation of equipment to the Town by the Weare Fire Fighters Association: (3) Hare Traction Splints, (1) Ked Extrication Device and (1) Adult Mast Trousers with a combined value of \$1,390.50. Chief Richards explained to the Board the reason for this donation. Mr. Frank Campana asked the Chief why someone donated a car to the Town and Chief Richards explained to Mr. Campana that an EMS employee of the town bought a new car and was unable to get anything for this car so he donated it to the town and got it down to the town.

Chairman Petrain closed the Public Hearing at 8:06 p.m. and moved, Selectman Kurk seconded that the Town would accept the donations as listed. Passed 4-0-0.

9. AVITAR REPRESENTATIVE

Ms. Loren Martin of Avitar spoke with the Board regarding online information to an Assessing software. Ms. Martin discussed the fee for this service – free to the Town, \$15.00 for property owners, additional fees for realtors, appraisers, etc. It was the consensus of the Board not to get involved at this time because it was not really beneficial to the Town.

10. OLD BUSINESS

DIRECT DEPOSIT – Selectman Reynolds stated that several of the Board members received correspondence from an employee who said they did not get their direct deposit in the normal time. Mr. Reynolds emailed the Treasurer, Donald Thomson, and he explained to Mr. Reynolds that he did not get the three signatures from the Selectmen in a timely fashion. Selectman Reynolds asked Mr. Thomson why the Board had to sign the payroll since the payroll for the most part is pretty standard. Mr. Thomson explained to Mr. Reynolds that this was covered under RSA-41:9 II, Financial Duties of the Selectmen and RSA-41:29 I, duties of the Town Treasurer. Chairman Petrain said she had the RSA's and explained to the Board that the Selectmen make that motion on the evenings that they meet and authorize for the following week that the Board does not meet. Chairman Petrain said the Board has authorized the Treasurer to do so. Chairman Petrain further explained that after reading Case Law

she feels that the Board goes above and beyond because the Board makes that motion ahead of time authorizing the Treasurer to move forward, therefore, three signatures are not needed to do the payroll.

Chairman Petrain said that under the RSA what the Board does should be enough for payroll to not be held up for three signatures from the Selectmen as long as a motion was made at the previous meeting to the Treasurer. Selectman Cook asked the Board for something in writing that says the three signatures from the Selectmen is not required. Chairman Petrain said the motion should take care of it without the three signatures. It was the consensus of the Board that the Auditor's should be asked what the proper procedure is for payroll.

HEALTH INSURANCE – Selectman Kurk explained that the Board received several emails from employees stating that they were left in the dark about the new health insurance stating they did not have a web site to go to, etc. Selectman Kurk said the Board voted to go with HealthTrust on July 6, 2004. Chairman Petrain explained to the Board that for whatever reason the paperwork did not get through to NHMA and they did not receive a check until a month later. Chairman Petrain also stated that the employees did not get paperwork until the week of July 26, 2004 and they were to get it back by that Friday so that it could be submitted to NHMA. From what Chairman Petrain understood, insurance did not kick in until August 10, 2004 and several employees ran into problems with doctor appointments and prescriptions. The concern Chairman Petrain has is the employees still do not have a packet for the new insurance coverage and it needs to be cleared up because as of Friday, the 13th, they did not have their packets. Selectman Kurk stated that a concern of hers was that until the new insurance was into effect, the old insurance should not be cancelled. Chairman Petrain said she would like the insurance put back into the Human Resources Department as it was in the past. Chairman Petrain asked Mr. Christensen to find out where the Town stands on the insurance and what the delay was.

BI-WEEKLY PAYROLL – Selectman Kurk suggested meeting with the staff and finding out what their opinion and any concerns they may have in getting paid bi-weekly instead of weekly so that the Board can move forward with this issue.

LINDSEY LANE CISTERN – Selectman Cook informed the Board that a few years back a developer, Mr. Proulx, built several houses and cleared a cistern and the cistern was never completed or done right. There were a lot of issues on this and the developer left town and left the town with a bad cistern and when the town went to collect on the bond found out it was junk. Selectman Cook said this developer is back in town and wants to build. With the help of Mr. Meany the town's Code Enforcer and Ms. Naomi Bolton of Land Use this was caught, and Mr. Proulx needs to pay for the engineering cost for the repair of the cistern, and he will not get a building permit until this is cleared up. The building permit will cost Mr. Proulx over \$7000.00 from advice of Town Counsel. Mr. Proulx has 72 hours to clear this up before he can receive the only permit the Town has left.

SAWYER AND OLIVER ROAD – Chairman Petrain stated the Board received a letter from a resident on Sawyer and Oliver Road saying that the upgraded road doesn't include promised drainage ditches and that the previous ditch lines have been filled in. It is the feeling of this resident that since the town is going to approve this road, in this condition, they expect that the town will make necessary repairs to the road caused by improper/lack of drainage ditches. The Board discussed this issue and asked Mr. Christensen to check with Mr. Knapp to find out what was being done with this.

ESCROW/PERFORMANCE BOND ACCOUNT – Chairman Petrain asked the Board if they were

going to issue interest back to people. Mr. Thomson, the Treasurer gave the Board a memorandum saying that he had heard various discussions about what he had or had not recommended pertaining to escrow or performance bond money. Mr. Christensen handed an email to the Board from Mr. Thomson. Chairman Petrain asked the Board if they were all set to move forward on this. The Board agreed that a Public Hearing had to be done on the escrow/performance bond account to move forward. Mr. Christensen will take care of getting the Public Hearing done.

WOOD'S PROPERTY – Selectman Cook brought up the question that was asked when the Wood's deed was signed about some interest owed. The sale of the property was late so the property owner asked if interest was owed to her. Selectman Cook said he believes that this would be a Conservation Commission issue and the Board should not get involved. It was the consensus of the Board that this would be a Conservation Commission issue.

11. ADMINISTRATIVE REPORT

Mr. Bob Christensen handed the Board various documents that needed signatures. The Assessing Dept. had signatures needed.

LAWN CARE - A Monetary Contract Addendum for the Lawn Care contract was drawn up because of reconstruction to the Purington Field, no more work was needed. Mr. Ron Johnson of All About Lawn Care came into the office today and signed this addendum so that the Safety Complex lawn could be attended to. The Board of Selectmen need to sign this addendum also.

WEARE WINTER WANDERERS - Mr. Christensen asked the Board about authorization for use of town-owned property for snowmobile recreation purposes from the Weare Winter Wanderers. Mr. Christensen submitted a letter to the Weare Winter Wanderers dated Nov. 29, 1999 giving them authorization from the Board so it was in agreement of the Board that another letter did not need to be presented.

FIRE CHIEF'S VEHICLE – Chief Richards addressed the Board about his fire rescue vehicles and the problems they were having. The Chief presented the Board with pricing of new and used vehicles. The Board discussed this and talked about setting up a capital reserve fund for this. Chairman Petrain suggested getting an okay from the Trustees of the Trust Funds. Mr. Christensen will check with the Trustees of the Trust Funds and get back to the Board with their answer so that the Board can move forward on this matter.

TOWN WEB SITE – Mr. Christensen announced that the Town Web site is now online and can be accessed by going to www.weare.nh.gov. A thank-you was given to Tina Pelletier, Tax Collector and Department Heads. There will be a little gap before new email addresses can be published.

ATTORNEY DRESCHER MEMO – Mr. Christensen wrote an appreciation letter to Atty. Bill Drescher for helping the town with a different attorney on receiving a rebate on legal bills.

BOILER REPAIRS – Mr. Christensen informed the Board that the boiler in the Town Office Building failed inspection from the insurance company and thereby failed to get the needed inspection certificate. Weare Plumbing and Heating came and made the repairs. All the boilers are up to par and Mr. Christensen is asking the Board for authorization to pay this bill of \$218.00 from the Government Building Capital Reserve Fund. The Board agreed for Mr. Christensen to check with the Code Enforcer prior to paying this bill.

FORMAT OF MEETING MINUTES – Mr. Christensen recommended a format change with the minutes of the meetings because he feels they are now longer than need be. He explained to the Board that he has reviewed other towns' minutes and see they are consistently more concise than ours. He presented the Town of Goffstown (June 7, 2004) minutes. The Board discussed this and Chairman Petrain said the only thing she doesn't want to lose is the details on certain issues, like gravel permits, etc. Mr. Christensen was asked to present some other towns' meeting minutes so the Board can compare.

FIRE DEPARTMENT – The Association is looking to send a mailer for equipment and money donations for the boat. The Association has received a quote from the Post Office and they based this on using the town permit and the Chief wants to know if they can use the town permit. The association will pay for this. Mr. Christensen suggested that where the town is a member of the Chamber of Commerce they should go that route. The Board was in agreement.

ZODIAC RESCUE BOAT - Chief Richards reports that the Boater Safety Course for the new zodiac rescue boat is going good, there are 16 people taking the course and there is one more class and they will be able to put it in service. There is money coming in from donations put in cans in various stores as well as Horace Lake Land Owners Association have given \$500.00 for the effort to the Land Owners Association.

BOLTON FIELD LIGHTING CONTEST - We need people to vote. Go to weei.com or granitecityelectric.com and cast your email vote for the Town of Weare. It is an expensive lighting system and we would like the town to get it.

TOWN OFFICE LOWER LEVEL – Land Use Coordinator, Naomi Bolton has now moved in and everything is going well. Elayne Pierson, Finance Administrator will be moving into her new office soon along with Donna Parisi-Meuse moving into her new office as well.

BUDGET PUBLIC INPUT SESSIONS – The Employee Board Committee Input has been completed and we now have three confirmed dates for meetings with the public and when the fourth one gets confirmed, it will be advertised in the papers, cable, etc. The will enable folks to come out and talk about the budgets, etc. At this time we have Tues, Sept. 7th from 12:30 – 1:30 p.m. at the Legion Hall. On Mon., Sept. 13 from 7:00 – 8:30 p.m. it will be at the Weare School Library. On Weds, Sept. 16 from 7:00 – 8:30 p.m. will be at the Town Office Conference Room. There is a fourth date at the Auditorium of the Christ Community Church, and when we get the date we will inform the public. Mr. Christensen attended other town meetings to see where they stood with the Budget Public Input Sessions and how they handled it.

SOUTH WEARE FIRE STATION – Mr. Christensen was happy to report that he was at the station today and the furnace insulation is complete.

SUGAR AND SPICE DAYCARE - The lease is progressing well. Suggestions from Mr. Christensen and Primex were presented and Sugar and Spice is making up the final draft at this point for signatures. Mr. Christensen asked the Board if they wanted to forward the final draft to counsel and they were all in agreement to do so.

12. NEW BUSINESS

PARKS AND RECREATION – Selectman Reynolds talked about the emails going around where

Parks and Recreation wanted to hire a couple of new employees. The Board decided to discuss this further in nonpublic session.

CABLE COMMITTEE – Selectman Reynolds moved, Selectman Kurk seconded to appoint Donna Osborne to the Cable Committee. Passed 4-0-0.

BENEFIT REVIEW COMMITTEE – Chairman Petrain stated that the Benefit Review Committee is still looking for members. Mr. Christensen suggested that a flyer be created with the openings to distribute to people that attend the Public Input meetings.

TOWN WEB SITE – Selectman Cook gave thanks to Mr. Jon Wallace for his commitment to the Town for 6 years for providing the Town with a web site, cost free for web site hosting and email. Selectman Cook said that Mr. Wallace deserved a big thank-you for this and wanted Mr. Christensen to send a letter to Mr. Wallace stating this from the Board. The Board was in agreement.

Selectman Cook discussed with the Board links on the Web site stating that some links that are on there now should be a private entity, like non profits. The Board will come up with some ideas as to how to approach this. It will be decided what non profits do or don't get a link.

PRIMEX TRAINING ANNOUNCEMENT – Chairman Petrain talked about various Primex Regional Risk Management Primer Dates that are coming up in September and suggested that anyone that is able to attend to do so.

WEARE WINTER WANDERERS LETTER – Chairman Petrain discussed the copy of a letter to Mr. Anthony Tavares from Weare Winter Wanderers, Inc. and it was decided that the letter would be kept but the Board did not have to act on it.

TOWN ADMINISTRATOR ROLE – Selectman Kurk said the roles of the Town Administrator talks about the departments that the Administrator will oversee and suggested that these get spelled out more than what they are. The Board discussed this and decided that a nonpublic session was needed for this.

Chairman Petrain moved, Selectman Reynolds seconded to add additional supervision responsibilities to the Administrative Coordinator/Town Administrator, to include the Tax Collection, Finance Administration and Public Works Departments. These are to be added in addition to the existing supervision responsibilities over the Building, Assessing, Maintenance, Land Use and Selectmen's Offices. The Term Town Administrator would be used going forward. Exact job description will be addressed at future meetings. Passed 4-0-0.

13. NONPUBLIC SESSION@11:15 P.M. RSA 91-A:3 II (c)

Chairman Petrain moved the board of selectmen, Selectman Reynolds seconded to enter into nonpublic session at 11:15 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Chairman Petrain, yes; Selectman Reynolds, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to exit nonpublic session at 11:35 p.m. A roll call vote was taken. Chairman Petrain, yes; Selectman Kurk, yes; Selectman Cook, yes; Selectman Reynolds, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 II. Passed 4-0-0.

14. NONPUBLIC SESSION@11:35P.M. RSA 91-A:3 II (c)

Chairman Petrain moved the board, Selectman Reynolds seconded to enter into nonpublic session at 11:35 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Selectman Reynolds, yes; Chairman Petrain, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to exit nonpublic session at 11:50 p.m. A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Selectman Reynolds, yes; Chairman Petrain, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 II. Passed 4-0-0.

15. NONPUBLIC SESSION@11:50P.M. RSA 91-A:3 II (c)

Chairman Petrain moved the board, Selectman Reynolds seconded to enter into nonpublic session at 11:50 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Selectman Reynolds, yes; Chairman Petrain, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to exit nonpublic session at 11:55 p.m. A roll call vote was taken. Selectman Cook, yes; Selectman Kurk, yes; Selectman Reynolds, yes; Chairman Petrain, yes. Passed 4-0-0.

Chairman Petrain moved the board, Selectman Reynolds seconded to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 II. Passed 4-0-0.

16. ADJOURNMENT

Chairman Petrain moved, Selectman Reynolds seconded to adjourn at 11:55 p.m. Passed 4-0-0.

A True Record

Kelly Bumpus, Recording Secretary

